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2010 APR 20 P 1:06

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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA)

9 Plaintiff,)

10 vs.)

11 BRETT GIBBS,)

12 Defendant.)
13
14

Case No.: 2:09-cr-0419-PMP-LRL

**GOVERNMENT'S MOTION FOR
DOWNWARD DEPARTURE**

15 The United States, by and through Daniel G. Bogden, United States Attorney, District of
16 Nevada, and Brian Pugh, moves for a downward departure of two levels based on BRETT GIBBS'
17 substantial assistance pursuant to U.S.S.G., § 5K1.1.

18 Nature of Cooperation: Before being charged herein and on his own initiative, defendant
19 approached law enforcement to provide cooperation. Defendant gave information regarding his
20 own and coconspirators involvement in a mortgage fraud scheme. On two additional occasions,
21 defendant provided statement to the U.S. Attorney's Offices. Three of defendant's coconspirators
22 are charged by indictment in United States v. Depue, U.S. District of Nevada Case No. 2:10-cr-
23 121-RLH-RJJ. Six others have pled guilty to charges filed by information. Defendant is willing to
24 testify at the trial of his coconspirators. Defendant further assisted by recording conversations
25 with three targets of the government's investigation.
26

Recommendation: So long as Defendant continues to accept responsibility in accordance with the terms of the plea memorandum, the United States will recommend that Defendant be given a two-level downward adjustment for “substantial assistance” and be sentenced to the low-end of the adjusted guideline range.

Respectfully Submitted,

BRIAN PUGH
Assistant United States Attorney

CERTIFICATE OF SERVICE

1
2 UNITED STATES OF AMERICA,

3 Plaintiff,

4 vs

5 BRETT GIBBS,

6 Defendant.
7

2:09-cr-00419 PMP-LRL

8 The undersigned hereby certifies that she is an employee in the office of the United
9 States Attorney for the District of Nevada and is a person of such age and discretion as to be competent
10 to serve papers.

11 That on April 20, 2010, she served a copy of the attached **GOVERNMENT'S**
12 **MOTION FOR DOWNWARD DEPARTURE** by providing a copy to the person(s) hereinafter
13 named, at the by facsimile to fax #702-382-1828
14

15 Addressee: John Wawerna
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17 
18 MICHELLE BAILEY
19 Legal Assistant Name
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